

**From:** [Gray, David](#)  
**To:** [Grantham, Nancy](#); [Senn, John](#); [Bowman, Liz](#); [Graham, Amy](#)  
**Subject:** FW: Three more NAAs re fuel issues in Texas  
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Nancy – it is these that will expire today. Are we extending them again or letting them expire?

David

### **EPA Exercises Enforcement Discretion for Fuel Storage and Distribution Facilities in Texas**

The U.S. Environmental Protection Agency (EPA) today announced that it will exercise enforcement discretion for petroleum distribution facilities, gasoline storage facilities and bulk fuel terminals in Texas that have been impacted or damaged by Hurricane Harvey.

EPA issued three “no action assurance” letters that are effective immediately and at the request of the State of Texas:

- A larger number of tanker trucks is needed to deliver fuel to some areas of Texas and Louisiana damaged infrastructure and flooding. EPA will not pursue enforcement actions against tanker trucks for certain provisions of the Clean Air Act and parallel Texas regulations that relate to tank tightness and registration for tanker trucks. This no action assurance will terminate on September 22 and is an extension of a no action assurance issued by EPA on September 8.
- Due to infrastructure damage, Texas refineries are unable to operate at full capacity, which is causing gasoline shortages. EPA will not pursue enforcement actions that relate to violations of provisions of the Clean Air Act for emissions of certain air pollutants from gasoline storage tanks during events known as “roof landings.” This no action assurance will terminate on September 22 and is an extension of a no action assurance issued by EPA on September 1.
- Due to operational issues at bulk fuel terminals as a result of Hurricane Harvey, some facilities are not equipped with devices to capture or recover certain types of air pollutants. EPA will not pursue enforcement actions that relate to violations of provisions of the Clean Air Act that require the operation of these devices at bulk fuel terminals. This no action assurance will terminate on September 22 and is an extension of a no action assurance issued by EPA on September 8.

Under EPA’s no action assurance letters, the facilities must continue to exercise good air pollution control practices and comply with all other federal, state and local environmental laws.

EPA policy allows the Agency to issue no action assurances in cases where it is necessary to avoid extreme risks to public health and safety and where no other mechanism can adequately address the matter. EPA believes that the exercise of enforcement discretion in these circumstances is in the public interest and will help address the emergency circumstances in Texas.